

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DARNELL WESLY MOON,

Plaintiff,

Case No. 3:15-cv-274

vs.

SHERIFF GENE FISCHER, *et al.*,

Magistrate Judge Michael J. Newman
(Consent Case)

Defendants.

ORDER AND ENTRY: (1) DIRECTING THE CLERK OF COURTS TO UPDATE *PRO SE* PLAINTIFF'S ADDRESS OF RECORD IN THIS CASE; (2) DIRECTING THE CLERK OF COURTS TO SERVE *PRO SE* PLAINTIFF WITH A COPY OF THE DOCKET SHEET AND ALL DOCUMENTS FILED SINCE JUNE 28, 2017; (3) ORDERING *PRO SE* PLAINTIFF FILE AN AMENDED COMPLAINT WITHIN 21 DAYS FROM THE ENTRY OF THIS ORDER; (4) ORDERING *PRO SE* PLAINTIFF TO SHOW CAUSE AS TO WHY THIS CASE SHOULD NOT BE STAYED PENDING THE CONCLUSION OF CRIMINAL PROCEEDINGS IN THE EASTERN DISTRICT OF MISSOURI; (5) VACATING THE COURT'S JULY 17, 2017 ORDER TO SHOW CAUSE (DOC. 79); AND (6) ADVISING PLAINTIFF OF HIS RESPONSIBILITY TO PROMPTLY ADVISE THE COURT AND OPPOSING COUNSEL OF CHANGES TO HIS ADDRESS OF RECORD

This is a *pro se* civil rights case in which Plaintiff Darnell Moon alleges claims under 42 U.S.C. § 1983. On June 28, 2017, the Court denied Moon's first motion for leave to file a second amended complaint (doc. 46) as moot; granted in part and denied in part Moon's motion for leave to file a second amended complaint (doc. 67); ordered Moon to separately file a second amended complaint within 21 days; denied Defendants' motion to strike (doc. 53); denied Moon's motions to reinstate (docs. 56, 57); denied Moon's motion for the return of his personal property (doc. 34); and ordered Moon to show cause, in writing and within 21 days, as to why this case should not be stayed in its entirety. Doc. 76. After mail sent to Moon was returned

as undeliverable, the Court, on July 17, 2017, ordered Moon to show cause as to why this case should not be dismissed for his failure to prosecute. Doc. 79.

On July 31, 2017, in *Moon v. Jones*, No. 3:15-cv-424, CMECF No. 25 (S.D. Ohio July 31, 2017), Moon filed a notice of change of address and requested that the Court serve upon him any documents filed since June 21, 2017 -- thus suggesting that he had not received a copy of any filing in that case (and presumably this case) since that date. In the interest of justice, the undersigned accepts Moon's notice of change of address as if it were also filed in this case.

Accordingly, the undersigned **ORDERS** as follows:

- (1) The Clerk of Court shall update Moon's address of record and send to him by regular mail a copy of the docket sheet and all documents filed since June 21, 2017 to the following address:

Darnell W. Moon (#016949)
Dunklin County Justice Center
1175 Floyd Street
Kennett, Missouri 63857

- (2) Moon shall separately file a second amended complaint within **21 DAYS** from the date of this Order as set forth in the Court's June 27, 2017 Decision and Entry (doc. 76);
- (3) Moon shall **SHOW CAUSE**, in writing and within **21 DAYS**, as to why this case should not be **STAYED** in its entirety for the reasons set forth in the Court's June 27, 2017 Decision and Entry (doc. 76);
- (4) The Show Cause Order dated July 17, 2017 (doc. 79) is **VACATED**; and
- (5) Moon is **ADVISED** to promptly update the Clerk of Court regarding any change in his mailing address. The failure to promptly advise the Court of any changes in contact information may result in the dismissal of the case for failure to prosecute.

IT IS SO ORDERED.

Date: August 16, 2017

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge